

**AN ORDINANCE  
BY FINANCE/ EXECUTIVE COMMITTEE**

**AN ORDINANCE TO AUTHORIZE THE CHIEF PROCUREMENT OFFICER TO PURCHASE PROPERTY LOCATED AT 3493 DONALD LEE HOLLOWELL PARKWAY, ATLANTA, GEORGIA 30331, PARCEL ID 17-0266-LL-054-1; TO PROVIDE FOR THE APPRAISAL OF THE PROPERTY; TO OBTAIN TITLE REPORTS ON THE PROPERTY; TO NEGOTIATE THE PURCHASE OF THE PROPERTY; IF NECESSARY TO AUTHORIZE THE USE OF LEGAL PROCEEDINGS TO OBTAIN THE PROPERTY; TO WAIVE THE REQUIREMENTS OF A SEPARATE RESOLUTION IN ACCORDANCE WITH CITY CODE SECTION 2-1541(d); TO PAY FOR THE PURCHASE OF THE PROPERTY FROM FUND ACCOUNT AND CENTER NUMBER 1C51 7\*\*\*\*\* D45C05029999; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to ordinance number 05-O-1974, the City of Atlanta (“City”) transferred properties located at 104 Trinity Avenue, 206 Central Avenue, 121 Memorial Avenue and the unimproved portion of 275 Washington Street, SW, to the Downtown Development Authority (“DDA”) for the purpose of developing a parking deck; and

**WHEREAS**, the DDA purchased said property from the City in the amount of Seven Million Eighty Seven Thousand Seven Hundred Eighty Dollars and No Cents (\$7,087,780.00); and

**WHEREAS**, Resolution 05-R-1832 authorized the sale of City Hall East to Ponce Park, LLC; and

**WHEREAS**, it is in the best interest of the City to build a new Public Safety Headquarters and Public Safety Annex to house the City’s Public Safety Officials and 911 Center; and

**WHEREAS**, the City intends to use part of the proceeds from the sale of the property to the DDA, to purchase property for the new Public Safety Annex; and

**WHEREAS**, the City has determined that the best location for the new Public Safety Annex is 3493 Donald Lee Hollowell Parkway.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

**SECTION 1:** That the property located at 3493 Donald Lee Hollowell Parkway is useful and necessary to the City of Atlanta.

**SECTION 2:** That the Chief Procurement Officer is hereby directed and authorized to obtain title reports, land surveys and appraisals of said property.

**SECTION 3:** That the Chief Procurement Officer or his designee is authorized to enter into negotiations with the owners of the property. However, in no event shall the Purchasing agent's authority to administratively negotiate or settle the acquisition exceed twenty (20%) percent above the appraisal.

**SECTION 4:** That the City Attorney is authorized to institute necessary legal action to acquire the above mentioned properties if negotiations with the owners are unsuccessful.

**SECTION 5:** That the City Attorney is authorized to take the necessary action to close the transaction, to record the deed, verify the title subject to utility easements and have a policy of title insurance issued in favor of the City of Atlanta.

**SECTION 6:** That the Chief Financial Officer is directed to appropriate the necessary fund for the purchase of said properties from fund account and center number 1C51 7\*\*\*\*\* D45C05029999.

**SECTION 7:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

EXHIBIT "A"  
(Page 2 of 3)

TRACT II:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 266 AND 267 OF THE 17<sup>th</sup> DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT A POINT FOUND AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY AND THE COMMON LAND LOT LINE OF LAND LOTS 18 AND 19 OF THE 14<sup>TH</sup> DISTRICT, FULTON COUNTY (FF), GEORGIA; THENCE RUNNING ALONG SAID LAND LOT LINE NORTH 86°58'03" EAST, A DISTANCE OF 285.40 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 00°22' 12" EAST, A DISTANCE OF 289.20 FEET TO A POINT; THENCE RUNNING SOUTH 88°00'34" EAST, A DISTANCE OF 198.94 FEET TO A POINT; THENCE RUNNING NORTH 01°59'26" EAST, A DISTANCE OF 154.90 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 41°30'48" EAST, A DISTANCE OF 148.80 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 45°09'06" EAST, A DISTANCE OF 892.84 FEET TO A POINT; THENCE RUNNING SOUTH 39°28'31" EAST, A DISTANCE OF 470.42 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE RUNNING SOUTH 39°23'03" WEST, A DISTANCE OF 1,260.91 FEET TO A POINT LOCATED ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY (VARIABLE RIGHT-OF-WAY AT SAID POINT), THENCE RUNNING IN A SOUTHEASTERLY DIRECTION ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 86°44'51" EAST, A DISTANCE OF 236.74 FEET TO A POINT; THENCE RUNNING IN AN ARC WITH A CURVE TO THE RIGHT, 148.49 FEET TO A POINT, WHICH ARC IS SUBTENDED BY A CHORD BEARING SOUTH 84°18'45" EAST, 148.44 FEET IN LENGTH, THENCE RUNNING IN AN ARC WITH A CURVE TO THE RIGHT, 130.34 FEET TO AN IRON PIN, WHICH ARC IS SUBTENDED BY A CHORD BEARING SOUTH 79°38'48" EAST, 130.30 FEET IN LENGTH; THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY AND RUNNING NORTH 38°53'37" EAST, A DISTANCE OF 892.85 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 39°28'31" WEST, A DISTANCE OF 429.08 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND BEING DESIGNATED AS TRACT II CONTAINING 10.426 ACRES ON THAT PRELIMINARY CERTAIN BOUNDARY SURVEY FOR CHAMPION PARTNERS GROUP, LTD. AND LAWYERS TITLE INSURANCE CORPORATION PREPARED BY DUE WEST SURVEYING INC., BEARING THE SEAL OF CHRISTOPHER P. WEHRLE, GA. R.L.S. NO. 2494, UNDATED, WHICH SURVEY IS INCORPORATED HEREIN AND BY THIS REFERENCE MADE A PART HEREOF.

**Juanita Hicks**  
Clerk of Superior Court  
Fulton County, Georgia

After Recording Return To:

Return to Shirley Herren  
Trinity Title Ins. Agency  
437 E. Ponce De Leon Ave.  
Decatur, GA 30030-1938

50836.04

**LIMITED WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF FULTON

THIS LIMITED WARRANTY DEED is made the \_\_\_ day of December, 2005, by U.S. Bank National Association, successor-in-interest to State Street Bank and Trust Company as Trustee for the Registered Certificateholders of J.P. Morgan Chase Commercial Mortgage Securities, Corp. Mortgage Pass-Through Certificates, Series 2001-CIBC1 ("Grantor"), in favor of IDH Realty Partners, LLC, a Georgia limited liability company ("Grantee"), whose address is 5784 Lake Forrest Drive, Suite 290, Atlanta, GA 30328.

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and consideration of which are hereby acknowledged, hereby grants, bargains, sells, aliens, conveys and confirms unto Grantee, the following described property, to wit:

All those tracts or parcels of land lying in Land Lots 266 and 267 of the 17<sup>th</sup> District of Fulton County, Georgia described on Exhibit "A" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the said tracts or parcels of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE.

AND Grantor will warrant and forever defend the right and title to the above described property unto Grantee against the claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise, subject to the title exceptions set forth in Exhibit "B" attached hereto and incorporated herein by reference.

SIGNATURE ON NEXT PAGE

IN WITNESS WHEREOF, Grantor has executed and delivered this limited warranty deed the day and year above written.

U.S. Bank National Association, successor-in-interest to State Street Bank and Trust Company as Trustee for the Registered Certificateholders of J.P. Morgan Chase Commercial Mortgage Securities, Corp. Mortgage Pass-Through Certificates, Series 2001-CIBC1

By: GMAC Commercial Mortgage Corporation, its authorized agent

By: [Signature]  
Name: Sylvia H. Hirschfeld  
Title: VP

*MP*



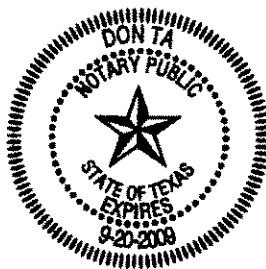
Signed, sealed and delivered  
In the presence of:

[Signature]  
Unofficial Witness

[Signature]  
Notary Public

My commission expires: 9/20/09

(NOTARIAL SEAL)



## Exhibit A

## Exhibit "A"

## LEGAL DESCRIPTION

## TRACT I

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 266 AND 267 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT A POINT FOUND AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY AND THE COMMON LAND LOT LINE OF LAND LOTS 18 AND 19 OF THE 14TH DISTRICT, FULTON COUNTY (FF), GEORGIA; THENCE RUNNING ALONG SAID LAND LOT LINE NORTH 86°58'03" EAST, A DISTANCE OF 285.40 FEET TO AN IRON PIN FOUND AND THE TRUE POINT OF BEGINNING; THENCE RUNNING NORTH 09°22'12" EAST, A DISTANCE OF 289.20 FEET TO A POINT; THEN RUNNING SOUTH 88°08'34" EAST, A DISTANCE OF 198.94 FEET TO A POINT; THENCE RUNNING NORTH 01°59'26" EAST, A DISTANCE OF 154.90 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 41°36'48" EAST, A DISTANCE OF 148.80 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 45°09'04" EAST, A DISTANCE OF 892.84 FEET TO A POINT; THENCE RUNNING SOUTH 39°28'31" EAST, A DISTANCE OF 470.42 FEET TO A POINT; THENCE RUNNING SOUTH 39°23'03" WEST, A DISTANCE OF 1,269.91 FEET TO A POINT LOCATED ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY (VARIABLE RIGHT-OF-WAY AT SAID POINT); THENCE RUNNING IN A NORTHWESTERLY DIRECTION ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY THE FOLLOWING COURSES AND DISTANCES: NORTH 86°44'51" WEST, A DISTANCE OF 105.96 FEET TO A POINT; THENCE RUNNING IN AN ARC WITH A CURVE TO THE RIGHT 143.67 FEET TO A POINT, WHICH ARC IS SUBTENDED BY A CHORD BEARING NORTH 87°58'31" WEST, 145.62 FEET IN LENGTH; THENCE RUNNING SOUTH 01°59'26" WEST A DISTANCE OF 15.18 FEET TO A POINT; THENCE RUNNING IN AN ARC WITH A CURVE TO THE RIGHT 132.35' TO A POINT, WHICH ARC IS SUBTENDED BY A CHORD BEARING NORTH 78°58'38" WEST, 132.31 FEET IN LENGTH; THENCE RUNNING IN AN ARC WITH A CURVE TO THE RIGHT, 58.26' TO A POINT, WHICH ARC IS SUBTENDED BY A CHORD BEARING NORTH 78°31'09" WEST, 58.26 FEET IN LENGTH; THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY AND RUNNING NORTH 80°22'12" EAST, A DISTANCE OF 113.44 FEET TO AN IRON PIN FOUND AND THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND BEING DESIGNATED AS PHASE I CONTAINING 17.287 ACRES ON THAT CERTAIN SURVEY OF PROPERTY FOR BANKHEAD FINANCIAL ASSOCIATES, LLC, FIRST INDUSTRIAL, L.P., AND LAWYERS TITLE INSURANCE CORPORATION PREPARED BY DUE WEST

## Exhibit A continued

SURVEYING INC. DATED APRIL 7, 2000, WHICH SURVEY IS INCORPORATED HEREIN AND BY THIS REFERENCE MADE A PART HEREOF.

**TRACT II**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 266 AND 267 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT A POINT FOUND AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY AND THE COMMON LAND LOT LINE OF LAND LOTS 18 AND 19 OF THE 14TH DISTRICT, FULTON COUNTY (FF), GEORGIA; THENCE RUNNING ALONG SAID LAND LOT LINE NORTH 89°51'03" EAST, A DISTANCE OF 285.48 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 09°22'12" EAST, A DISTANCE OF 289.28 FEET TO A POINT; THENCE RUNNING SOUTH 89°00'34" EAST, A DISTANCE OF 196.94 FEET TO A POINT; THENCE RUNNING NORTH 01°59'26" EAST, A DISTANCE OF 134.99 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 41°54'48" EAST, A DISTANCE OF 148.80 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 43°09'06" EAST, A DISTANCE OF 892.84 FEET TO A POINT; THENCE RUNNING SOUTH 39°28'31" EAST, A DISTANCE OF 470.62 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; THENCE RUNNING SOUTH 39°23'03" WEST, A DISTANCE OF 1,260.91 FEET TO A POINT LOCATED ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY (VARIABLE RIGHT-OF-WAY AT SAID POINT), THENCE RUNNING IN A SOUTHEASTERLY DIRECTION ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 86°44'51" EAST, A DISTANCE OF 234.74 FEET TO A POINT; THENCE RUNNING IN AN ARC WITH A CURVE TO THE RIGHT, 148.49 FEET TO A POINT, WHICH ARC IS SUBTENDED BY A CHORD BEARING SOUTH 84°18'45" EAST, 148.44 FEET IN LENGTH; THENCE RUNNING IN AN ARC WITH A CURVE TO THE RIGHT, 136.34 FEET TO AN IRON PIN, WHICH ARC IS SUBTENDED BY A CHORD BEARING SOUTH 79°38'48" EAST, 136.30 FEET IN LENGTH; THENCE LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF BANKHEAD HIGHWAY AND RUNNING NORTH 38°53'37" EAST, A DISTANCE OF 892.85 FEET TO AN IRON PIN FOUND; THENCE RUNNING NORTH 39°28'31" WEST, A DISTANCE OF 439.88 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND BEING DESIGNATED AS PHASE II, CONTAINING 10.426 ACRES ON THAT CERTAIN SURVEY OF PROPERTY FOR BANKHEAD FINANCIAL ASSOCIATES, LLC, FIRST INDUSTRIAL, L.P., AND LAWYERS TITLE INSURANCE CORPORATION PREPARED BY DUE WEST SURVEYING INC. DATED APRIL 7, 2000, WHICH SURVEY IS INCORPORATED HEREIN AND BY THIS REFERENCE MADE A PART HEREOF.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Simone D. Brathwaite 

Contact Number: x 6310

Originating Department: Mayor's Office

Committee(s) of Purview: Finance/ Executive Committee

Council Deadline: July 31, 2006

Committee Meeting Date(s): August 15-16, 2006 Full Council Date: August 21, 2006

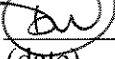

Commissioner Signature \_\_\_\_\_

**CAPTION**

AN ORDINANCE TO AUTHORIZE THE CHIEF PROCUREMENT OFFICER TO PURCHASE PROPERTY LOCATED AT 3493 DONALD LEE HOLLOWELL PARKWAY, ATLANTA, GEORGIA 30331, PARCEL ID 17-0266-LL-054-1; TO PROVIDE FOR THE APPRAISAL OF THE PROPERTY; TO OBTAIN TITLE REPORTS ON THE PROPERTY; TO NEGOTIATE THE PURCHASE OF THE PROPERTY; IF NECESSARY TO AUTHORIZE THE USE OF LEGAL PROCEEDINGS TO OBTAIN THE PROPERTY; TO WAIVE THE REQUIREMENTS OF A SEPARATE RESOLUTION IN ACCORDANCE WITH CITY CODE SECTION 2-1541(d); TO PAY FOR THE PURCHASE OF THE PROPERTY FROM FUND ACCOUNT AND CENTER NUMBER 1C51 7\*\*\*\*\* D45C05029999; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT:

Mayor's Staff Only

Received by Mayor's Office:  8/3/06 (date) Reviewed by:  (date)

Submitted to Council: 8/4/06 (date)